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Docket No. F-7876

Scr. No. 10/606,628

REMARKS

Claims 1-12 are now pending in this application. Claims 1-4 are rejected. New claims 5-12 are added. The specification is amended to address idiomatic informalities. No new matter is added.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102(b)

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by the Rasmussen reference. Applicant herein respectfully traverses these rejections. "Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, *arranged as in the claim*." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). It is respectfully submitted that a *prima facie* case of obviousness has not been set forth and that for this reason alone the rejection must be withdrawn. Additionally, it is further noted that the cited reference is deficient with regard to the following features explained below.

It respectfully submitted the Examiner has not set forth a *prima facie* case for anticipation in this matter. Such a showing requires that the Examiner identify for each element a correspond element arranged as claimed in the reference. The Examiner recites that Rasmussen discloses a "belt configured to transport the objects through the photographing section (See Column 1, lines 14-19)." The

Docket No. F-7876

Ser. No. 10/606,628

Examiner has not identified any reference designator corresponding to the belt supposedly disclosed in the Rasmussen reference. Additionally, the text cited by the Examiner refers to the prior, hence is not part of the invention later referred to in Rasmussen and which is cited for teaching the claimed subject matter. As such the rejection is clearly improper as an anticipation rejection since any structure referred to in the BACKGROUND OF THE INVENTION section is not part of the later described invention upon which the rejected claim language is read. Hence, the structure related in the Background section is not "arranged as claimed" with respect to the structure set forth in the DETAILED DESCRIPTION portion of the reference which is later cited by the Examiner in an attempt to read the claims on the reference. *Id.*

Applicant respectfully notes that anticipation requires that each element of the claim being rejected be found in the reference "*arranged as claimed.*" Combining an element from a prior art device in the Background section of a reference with a distinct and different structure disclosed as the invention in the reference is therefore impermissible to establish a *prima facie* case of anticipation because these elements are not disclosed as being *arranged together.*

Applicant further notes that the portion of the Background section cited by the Examiner is devoid of recitation of any belt. The text reads as follows:

In many gaming devices, it is desirable to provide transfer of coins from a collection hopper to a coin cup which is elevated with respect to the hopper via an escalator. The use of an escalator as a conveyor

Docket No. F-7876

Ser. No. 10/606,628

to transport coins in a generally vertical, upward direction is a known industry method.

Nowhere is there cited a belt. A “conveyor” or “escalator” is not anticipatory for a belt since a genus cannot anticipate a species.

The anticipation rejection of claim 2 is also substantively lacking for referring to the cover plate 78 of the Rasmussen reference twice as a teaching for two different elements of the claims, the linear material and the frame. The cover plate of the Rasmussen reference cannot be stretched over itself. Since the claim requires both a linear material *and* a frame, two distinct elements claims Claim 2 provides that the linear material is stretched across the frame thus precluding interpretation that the reference shows the member stretched over itself.

In regard to claims 3 and 4, the Examiner further alleges that the reference teaches a “plurality of belts and linear materials” to transport the objects. The Examiner cites Fig. 6C. However, there is no disclosure of belts transporting objects in the reference. The objects in the reference appear to be transported solely by gravity and guided by the cover plate 78 along with other guides.

In view of the above, it is respectfully submitted that a *prima facie* case of anticipation is not set forth. It is further submitted that the Rasmussen reference does not teach the claimed belt transport of objects or the stretched linear material. It is noted that nothing in the Rasmussen reference suggest that any of the plates

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NOV 14 2006

Docket No. F-7876

Ser. No. 10/606,628

functioning as guides are "stretched" in any manner. Therefore, reconsideration of the rejections of claims 1-4 and their allowance are respectfully requested.

NEXT ACTION CANNOT BE MADE FINAL

It is further noted that the above discussed features are present in the originally filed claims. As such, the present response cannot necessitate new grounds for rejection as the present rejections are respectfully submitted as failing to have been established. Accordingly, it is respectfully submitted that a next Office Action cannot be made final.

NEW CLAIMS

New claims 5-12 are added and are submitted as patentable over the cited art of record. Independent claim 9 recites subject matter directed to an imaging device and a line tensioned to retain the objects advanced by the belt are retained between said line and said moving belt and in said frame area which, among other features recited therein, is not believed disclosed in the cited art in the manner as claimed. Dependent claims 5-8 and 10-12 are patentable based on the subject matter recited therein in addition to the subject matters of their respective base and intervening claims. For example, claims 5-8 each recite that the linear material is a string. Such an element is not shown in the cited reference. Furthermore, claim 10 recites a slide

Docket No. F-7876


Ser. No. 10/606,628

face with a recess configured to receive the line. Such an arrangement is not even hinted by the Rasmussen reference since there is no use of a line for guiding objects.

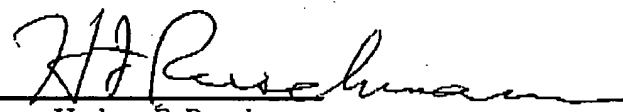
It is not believed any fees are due. If any fees are determined to be due, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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